

Article 7: Previously Conforming Premises and Uses

Division 3: Review Procedures for Previously Conforming Advertising Display Signs

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§127.0301 Purpose of Review Procedures for Previously Conforming Advertising Display Signs

The purpose of these procedures is to establish controls that provide reasonable opportunity for maintenance of legally constructed *advertising display signs* while protecting the public through preserving a positive aesthetic character. The intent of these procedures is to clarify the status of *advertising display signs* that existed before July 19, 1983 and to identify rights respecting existing inventory of these *previously conforming advertising display signs*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§127.0302 When Previously Conforming Advertising Display Sign Procedures Apply

This division shall not apply to the following *advertising display signs*:

- (a) Any *advertising display sign* that is acquired by a governmental entity through the use of eminent domain.
- (b) *Advertising display signs* that meet all of the criteria of California Business and Professions Code Section 5412, as set forth below. These displays may be removed without compensation, as specified in California Business and Professions Code Section 5412.1.
 - (1) The display is located within an area shown as residential in an adopted community plan.
 - (2) The display is located within an area zoned for residential use.
 - (3) The display is not located within 660 feet from the edge of the right-of-way of an interstate or primary highway with its copy visible from the highway, nor is it placed or maintained beyond 660 feet from the edge of the right-of-way of an interstate or primary highway with the purpose of its message being read from the main traveled way.

- (4) The display is not required to be removed because of an overlay zone or any other special zoning district whose primary purpose is the removal or control of *signs*.
- (5) The display is allowed to remain in existence for a period of 7 years after July 19, 1983, or the date upon which it becomes applicable to the display, and after giving notice of the removal requirement to the display owner and the owner of the underlying property.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§127.0303 General Rules for Previously Conforming Advertising Display Signs

- (a) Any *advertising display sign* that was lawfully erected before July 19, 1983 is considered a *previously conforming advertising display sign*.
- (b) Any legally constructed *advertising display sign* located on a site is considered a separate business use of that site and conformance of the permitted use and of the *advertising display sign* shall be considered independently.
- (c) Maintenance, repair, rebuilding, or alteration of a *previously conforming advertising display sign* where the construction would be less than or equal to 50 percent of assessed value and would not expand beyond the existing *structural envelope*, is subject to review by the City Manager in accordance with Process One. The *applicant* shall submit plans showing existing and proposed site conditions.
- (d) Maintenance, repair, rebuilding, or alteration of a *previously conforming advertising display sign* where the construction would exceed 50 percent of the assessed value of the existing *advertising display sign*, but would not expand beyond the existing *structural envelope*, requires a Neighborhood Development Permit.
- (e) Any *advertising display sign* that is repaired or altered according to the provisions of Section 127.0303(c) or (d) shall retain its *previously conforming* status.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§127.0304 Approval Criteria for a Neighborhood Development Permit for a Previously Conforming Advertising Display Sign

- (a) An application for a Neighborhood Development Permit for maintenance, repair, rebuilding, alteration, or improvement of an existing *previously*

conforming advertising display sign may only be approved within the CC-5-2, IL-3-1, IL-2-1, or IH-2-1 zones.

- (b) An application for a Neighborhood Development Permit for maintenance, repair, rebuilding, alteration, or improvement to an existing *previously conforming advertising display sign* shall not be approved on a site or *premises* that is:
- (1) Located within the Coastal Overlay Zone;
 - (2) Located within 660 feet when the display is visible from the edge of the right-of-way of a landscaped *freeway* as designated by the California Department of Transportation;
 - (3) Located within 660 feet when the advertising display sign is visible from the edge of the right-of-way of a *freeway* or highway designated as a Scenic Highway or City Scenic Route as described by the Progress Guide and General Plan;
 - (4) Located within 200 feet of any *premises* zoned for residential purposes or containing a *school, church*, or similar place of worship; a historical site or building; a cemetery or similar place of internment; a public or private park; or an outdoor recreational facility;
 - (5) Located within 500 feet of any other advertising display sign on the same side of the same *street*;
 - (6) For purposes of (2) and (3) above, measurements shall be made from the edge of the right-of-way along a line perpendicular to the center line of the highway; and
 - (7) For purposes of (4) and (5) above, measurements shall be made along the center line of the *street* from which the display is designed to be primarily viewed, from a line perpendicular to the center line of that *street* passing through the nearest edge of the existing *sign* or *premises* to a line perpendicular to the center line passing through the nearest edge of the *sign* as reconstructed. This section shall not be interpreted so as to require measurement on a radial basis.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§127.0305 Structure Limitations on Advertising Display Sign

Rebuilding of an *advertising display sign* shall comply with the following:

- (a) The *sign face* of a rebuilt *advertising display sign* shall be no larger than the *sign face* of the original *advertising display sign*. Flashing lights and rotating or revolving *signs* are not permitted;
- (b) A rebuilt *advertising display sign* shall not exceed 45 feet in height, measured to the top of the *advertising display sign* from the ground level or from the level of the roadbed from which the *advertising display sign* is designed to be viewed;
- (c) A rebuilt *advertising display sign* shall comply with all *setback* and *yard* requirements of the applicable zone; and
- (d) A rebuilt *advertising display sign* shall be mounted or built with no more than two supporting posts.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)